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FISCAL IMPACT STATEMENT

LS 6507

BILL NUMBER: SB 312

NOTE PREPARED: Jan 31, 2012

BILL AMENDED: Jan 30, 2012

SUBJECT: School Policies on Gang Activities.

FIRST AUTHOR: Sen. Hershman

FIRST SPONSOR: Rep. T. Brown

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Educational Outreach and Training: The bill allows that the Indiana Safe Schools Fund to be used to provide educational outreach and training to school personnel concerning the identification and prevention of and intervention in criminal gang activity.

Model Development: The bill requires the Indiana Department of Education (Department) to develop model educational materials and a model policy concerning criminal gang activity. It requires the Department, in collaboration with the Indiana Criminal Justice Institute, the Indiana Department of Child Services, and any organization with expertise in criminal gang education, prevention, and intervention that the Department determines to be appropriate, to identify or develop model education materials, and develop a model policy to address criminal gangs and criminal gang activity in schools.

Criminal Gang Policy: The bill requires the governing body of each school corporation, including Indianapolis public schools and charter schools, to develop and maintain a criminal gang policy. It requires a school corporation to include a copy of its criminal gang policy; (1) on its website; (2) in school student handbooks; and (3) in any location the school corporation determines to be appropriate.

It requires each school corporation to develop: (1) an educational criminal gang awareness program for students, school employees, and parents; and (2) a school employee development program to provide training to school employees in the implementation of the school corporation's criminal gang policy. It authorizes a school corporation to enter into a memorandum of understanding with the county prosecutor or a juvenile court to foster coordination of gang prevention, intervention, and suppression efforts.

The bill also requires the discipline rules adopted by the governing body of a school corporation to: (1) prohibit criminal gang activity; and (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention concerning criminal gang activity.

Reporting Requirements: The bill requires, beginning in 2015 and each year thereafter, each school corporation to submit a report to the Department outlining the activities undertaken by the school corporation to address criminal gang activity. It requires, beginning in 2015 and each year thereafter, the Department to submit a report to the Governor and the General Assembly.

Notification: The bill requires a school employee that has reason to believe that a student or school employee: (1) actively participates in a criminal gang; (2) commits criminal gang intimidation; or (3) solicits, recruits, entices, or intimidates another individual to join a criminal gang, to immediately notify the school or school corporation administration. It requires the individual to make an oral report to the local law enforcement agency. It provides that an individual who makes or causes to be made, a report or who participates in any judicial proceeding resulting or relating to the report is immune from any civil or criminal liability if the individual did not act maliciously or in bad faith.

Technical Correction: The bill also makes a technical correction.

Effective Date: July 1, 2012.

Explanation of State Expenditures: Summary:

(1) *Educational Outreach and Training:* The fiscal impact should be minimal. For both FY 2011 and FY 2012 approximately \$750,000 was appropriated for school safety specialist training, and the Specialist Training Academy is already incorporating training on criminal gang activity in its curriculum. For example, in September 2011, the Academy co-sponsored a free workshop on gang activity for school safety leaders.

(2) *Model Development, Reporting:* The bill's requirements are within the agencies' routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Additional Details:

Educational Outreach and Training: Under current law, the Indiana Safe School Fund provides funding for various types of school safety programs. Under this bill, funding would be extended to train school personnel in identifying, preventing, and intervening in criminal gang activities.

Model Development: This bill requires the Department, in collaboration with the Indiana Criminal Justice Institute, the Indiana Department of Child Services, and any organization with expertise in criminal gang education and prevention, to identify or develop model education materials and develop a model policy to address criminal gang activity in schools.

The model policy, which would be available by July 1, 2013, is to be used to assist school corporations and charter schools in designing their own policy on gang activity. The two core principles of the policy include the development of educational materials for both parents and students and a model criminal gang policy. The

model criminal gang policy covers criminal gang activity in schools, procedures for prompt reporting and investigation, information on the types of family support services available, and recommendations on maximizing federal funding and community participation.

As part of this initiative, the Department would also have to develop a curriculum to be used to train school safety specialists on how to identify, prevent, and intervene in criminal gang activity. Under current law, the safety specialists have to be trained in identifying, preventing, and intervening in bullying incidents, and this would be a natural addition to its current training.

Reporting: Under this provision, beginning November 1, 2015, the Department has to submit an annual report to the Governor and the General Assembly outlining what activities school corporations have undertaken to oppose gang activity and what the Department has done to assist schools in doing so.

Background Information: For some time now, the Department has been involved in addressing gang activity and gang violence. For example, it has partnered with the U.S. Attorney's office and with the Indiana Intelligence Fusion on several occasions, and through the School Safety Academy the Department has sponsored several workshops on gang activity. Additionally, it continues to seek the latest data from established experts on gangs. At the local level a few school corporations have taken the initiative in cooperating with local enforcement personnel in addressing the issues concerning gang activity.

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary:* The bill's requirements are within each school corporation's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Criminal Gang Policy: Under the bill, school corporations (including charter schools), in consultation with parents, employees, local law enforcement, and applicable organizations, would be required to develop and maintain a criminal gang policy. The policy must be completed by June 1, 2014, and submitted to the Department by September 1, 2014. The policy would be based on the model provided by the Department. It would be incorporated in the discipline rules of the school corporation. Additionally, as a minimum, it would also be published on the corporation's website and in the student handbook.

The bill authorizes a school corporation to enter into a memorandum of understanding with the county prosecutor or a juvenile court to foster coordination of gang prevention, intervention, and suppression efforts.

Reporting: The bill requires, beginning in 2015 and each year thereafter, each school corporation to submit a report to the Department outlining the activities undertaken by the school corporation to address criminal gang activity.

(Revised) *Notification:* Under current law, individuals must report certain infractions to the school principal or local law enforcement as applicable. Under this bill, those infractions that would be reported to the school principal under current law would now be reported to the school or school administration. An infraction that would be reported to law enforcement under current law would still be reported to that authority under this bill.

Additionally, under the bill, incidents involving gang activity would be reported to the appropriate authority. The bill provides that the individual who reports the incident, or who participates in any judicial activity pertaining to the report, would be immune from any civil or criminal liability.

Explanation of Local Revenues:

State Agencies Affected: Department of Education; Indiana Criminal Justice Institute; Indiana Department of Child Services.

Local Agencies Affected: School corporations; Charter schools.

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